

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ROBERT DEE SCRIBNER, II,)
Petitioner,)
v.) No. 3:13-cv-01423
MICHAEL DONAHUE, Warden,) Judge Trauger
Respondent.)

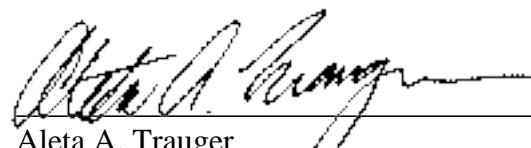
ORDER

Petitioner Robert Dee Scribner, II filed this action seeking the writ of habeas corpus under 28 U.S.C. § 2254. (Docket Entry No. 1). The petitioner's appointed counsel also filed a Second Amended Petition with a declaration that attached documents. (Docket Entry Nos. 73, 79). The respondent has filed an Answer (Docket Entry No. 27) to the pro se petition, a copy of the state court record (Docket Entry No. 31), and a Motion to Dismiss (Docket Entry No. 84) the Second Amended Petition, and the petitioner has filed a response to the Motion to Dismiss (Docket Entry No. 88). The respondent and the petitioner have also filed proposed findings of fact and conclusions of law. (Docket Entry Nos. 104, 105).

For the reasons set forth in the accompanying memorandum, the Petition and Second Amended Petitions are hereby **DENIED**, and this action is **DISMISSED** with prejudice. Because, as explained in the memorandum, the petitioner has not made "a substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2), the court **DENIES** a Certificate of Appealability ("COA") in this action. The petitioner may, however, seek a COA directly from the Sixth Circuit Court of Appeals. Rule 11(a), Rules Gov'g § 2254 Cases.

The entry of this Order shall constitute the judgment in this action.

It is so **ORDERED**.



Aleta A. Trauger
United States District Judge